

**UNITED STATES DISTRICT COURT
DISTRICT OF MAINE**

| | | |
|---------------------------|---|--------------------------|
| UNITED STATES OF AMERICA, |) | |
| |) | |
| v. |) | |
| |) | |
| NGHIA NGUYEN |) | Docket no. 04-cr-136-P-S |
| |) | |
| |) | |
| Defendant. |) | |
| |) | |

ORDER DENYING REQUEST FOR SENTENCE REDUCTION

Before the Court is a letter from the Defendant, dated January 28, 2008 (Docket # 487), which this Court has docketed and treated as a motion to appoint counsel and a motion to reduce sentence. Via this submission, Defendant seeks a sentence reduction pursuant to 18 U.S.C. § 3582(c)(2) and the recent amendments to the Sentencing Guidelines related to crack cocaine. The Government has filed its objection (Docket # 490). After reviewing the file, the Court has determined that this Defendant was sentenced to 188 months based, in part, on a finding that he was a Career Offender under USSG § 4B1.1. Because this career offender finding determined his offense level under the Guidelines, Defendant's sentence was not derived from or affected by a calculation of crack cocaine quantity and USSG § 2D1.1. Thus, the recent revisions pertaining to crack cocaine quantity do nothing to change the Defendant's Guideline range and do not provide a basis for the Court to reduce his sentence in accordance with 18 U.S.C. § 3582(c).

For this reason, the Court hereby DENIES Defendant's Motion.

SO ORDERED.

/s/ George Z. Singal
Chief U.S. District Judge

Dated this 19th day of February, 2008.